

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ABLAISE LTD. and GENERAL
INVENTORS INSTITUTE A, INC.,

Plaintiffs,

v.

BANK OF AMERICA CORPORATION,

Defendants.

C.A. No. 06-530-SLR

**DECLARATION OF TONY DMITRICH IN SUPPORT OF DEFENDANT
BANK OF AMERICA CORPORATION'S MOTION TO STAY**

I, Tony Dmitrich, declare as follows:

1. I am the Practice Manager for Financial Fusion, Inc. ("Financial Fusion").

I have personal knowledge of the matters stated in this declaration and would testify truthfully to them if called upon to do so.

2. Financial Fusion provides website development, maintenance, and hosting services to Bank of America Technology and Operations, Inc. under an agreement that includes an indemnification provision requiring Financial Fusion to defend claims of infringement arising from software developed under the agreement.

3. The "militarybankonline.bankofamerica.com" facility of the Bank of America website identified by Ablaise in its February 6, 2006, letter to Bank of America was and is developed and supported by Financial Fusion under this agreement with Bank of America. The Bank of America name is on the site, but none of the actual software or hardware running the militarybankonline feature is located at Bank of America.

4. Ablaise has made similar infringement allegations against First Tennessee Bank National Association, another customer of Financial Fusion.

I declare under penalty of perjury under the laws of the United States of America
that the foregoing is true and correct.

Executed this 14th day of December, 2006.


Tony Dantrich

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of December 2006, I electronically filed with the Clerk of Court **DECLARATION OF TONY DMITRICH IN SUPPORT OF DEFENDANT BANK OF AMERICA CORPORATION'S MOTION TO STAY** using CM/ECF which will send electronic notification of such filing(s) to the following Delaware counsel. In addition, the filing will also be sent via hand delivery:

Thomas C. Grimm
MORRIS, NICHOLS, ARSHT & TUNNELL
1201 N. Market Street
P.O. Box 1347
Wilmington, DE 19899-1347

I hereby certify that on this 22nd day of December 2006, I have mailed by United States Postal Service, the document(s) to the following non-registered participants:

Thomas G. Scavone
Matthew G. McAndrews
NIRO, SCAVONE, HALLER & NIRO
181 W. Madison Street, Suite 4600
Chicago, IL 60602

/s/ William J. Marsden, Jr.
William J. Marsden, Jr. (#2247)